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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,718	03/01/2002	Kishan Khemani	11527.355	7476
22913	7590	01/28/2004		
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111				
			EXAMINER RAJGURU, UMAKANT K	
			ART UNIT 1711	PAPER NUMBER

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

5k

Office Action Summary	Application No. 10/087,718	Applicant(s) KHEMANI ET AL.	
	Examiner Umakant K. Rajguru	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

1. An RCE has been filed on Aug. 21, 2003.
2. Claims 1-38 are being examined.
3. Previous rejections of claims 1-38 are now withdrawn.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-8, 12 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Branham et al (US 6261674).

Branham discloses an article (viz film) formed by construing many micro layers comprising polymers (abstract). One suitable polymer is polycaprolactone, which is biodegradable (as stated in specification) (col. 5, line 54). Film contains few fillers, both organic & inorganic (col. 8, lines 18 to Col 9, line 15). Film is subjected to many stretching operations (col. 11, lines 49-51). Filler is used at 30-80% by wt of the layer (col. 8, lines 43-47) and has av. particle size of 0.1 to 50 microns Thickness of layer ranges from 10 angstroms to 150 microns (col. 5, line 6) Water vapor transmission rate of layer is 500-15000 g/sq m/24 hour per mil of film thickness (col. 4, lines 32-36).

Braham is silent about (claimed) "dead-fold" and moisture vapor transmission rate. It is nonetheless reasonable to infer that the composition of Branham, which reads on that of instant one, inherently satisfies these limitations unless proved to be otherwise.

Above claims lack novelty.

6. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branham et al (US 6261674).

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Disclosure of Branham is presented earlier. Branham does not mention claimed thickness of film. It is known in the art to vary thickness of film as per requirement. Therefore it would have been obvious to follow teaching of patentee and arrive at above claimed invention.

7. Claim 14 is rejected is under 35 U.S.C. 103(a) as being unpatentable over Branham et al (US 6261674) in view of Anderson et al (US 6168857).

Branham does not mention starch

Anderson discloses compositions having starch & polymers from which sheets can be made.

It would have been obvious to use starch as a part of the biodegradable polymer (in composition of Branham) because of easy availability, abundant supply and low price of starch.

8. Any inquiry concerning this communication or earlier communications from the

UKR examiner should be directed to U. K. Rajguru whose telephone number is ~~703-308-5711~~ ⁵⁷¹⁻²⁷²⁻¹⁰⁷⁷ ~~3224~~. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on ~~703-308-2462~~ ⁵⁷¹⁻²⁷²⁻¹⁰⁷⁸. The fax phone number for the organization where this application or proceeding is assigned is ~~(703)~~

UKR ~~308-2462~~ ⁷⁰³⁻⁸⁷²⁻⁹³⁰⁶

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9310/9311.



U.K. Rajguru/laf
December 11, 2003



James E. Smith
Supervising Patent Examiner
Technical Division